

Exhibit G



Farhang Heydari <farhang@nsbcivilrights.com>

Indemnification in Allen v. City of St. Louis, 14-cv-1398

Farhang Heydari <farhang@nsbcivilrights.com>

Mon, Apr 25, 2016 at 1:31 PM

To: "Luepke, Bud" <Bud.Luepke@ago.mo.gov>

Cc: Nick Brustein <nick@nsbcivilrights.com>, Emma Freudenberger <emma@nsbcivilrights.com>

Bcc: Vishal Agraarkar <vishal@nsbcivilrights.com>

Mr. Leupke,

Based on your email and our subsequent conversations, I now understand the State's position to be as follows:

If the State is successful in the State Court Action concerning the Legal Expense Fund --- that is, if the State obtains a judgment declaring that Missouri statutes prohibit the use of LEF funds to pay any judgment in the *Allen case* --- then the State will not use any funds (either from the LEF or any other source) to indemnify the officer defendants against any judgment in the *Allen* case.

If the State is unsuccessful in the State Court Action --- that is, if it is determined by the Court that the State must use LEF funds to pay a judgment in the Allen case --- then the State will indemnify the officers only up to \$1,000,000 and will not indemnify the officers for any judgment amount exceeding \$1,000,000. By way of example: if Mr. Allen obtains a \$20,000,000 judgment against Defendant Terry James and the City prevails in the State Court Action, then the State would pay \$1,000,000 of the judgment using LEF funds and Mr. James would be personally liable for the remaining \$19,000,000 plus court awarded attorneys' fees and costs.

The State's positions under these scenarios would be no different if the City refuses to indemnify the officer defendants for any judgment.

Please let me know if this is not an accurate understanding of the State's position. As you discussed with Nick, it is our plan to raise this issue with the Court on Friday.

Thanks very much,
Farhang

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Farhang Heydari
Neufeld Scheck & Brustin, LLP
99 Hudson St., 8th Floor | NYC 10013
T: (212) 965-9081 | F: (212) 965-9084
www.nsbcivilrights.com

On Fri, Apr 22, 2016 at 6:27 PM, Luepke, Bud <Bud.Luepke@ago.mo.gov> wrote:

Mr. Heydari,

No, your e-mail is not quite accurate. The State's position is set forth in the attached petition for declaratory judgment ("Petition"), filed with the State Court on April 15, 2016. This Petition initiated the State Court Action that is now pending in the Circuit Court for the City of St. Louis under Cause Number

1622-CC01070 ("State Court Action").

The City of St. Louis and other City officials have suggested that, under Chapter 105 of Missouri State Statutes, the State of Missouri must use funds from the State's Legal Expense Fund ("LEF") to pay off any judgment that may be entered against the defendants in the above-referenced *Allen* case, now pending in the federal district court for the Eastern District of Missouri. The State of Missouri disagrees with that position and, therefore, has filed the attached Petition asking the State Court to declare that Missouri statutes (Mo. Rev. Stat. Sect. 105.726.5) prohibit the use of LEF funds to pay any such judgment. Neither the City of St. Louis nor any other defendant in the *Allen* case has suggested any source other than the LEF from which the State of Missouri may be obligated to indemnify them or to pay any judgment that may be entered in the *Allen* case. No other such source exists, and, therefore, the Petition seeks to have the State Courts interpret and declare the State of Missouri's rights and obligations under the provisions of Chapter 105. If the State Courts rule against the State of Missouri in the State Court Action and hold that the LEF is to be used to pay any judgment entered against the defendants in the *Allen* case, then the State of Missouri will do as directed by the State Courts.

As to the deposition testimony of Defendant James and Defendant Burford, from my review of the drafts of those transcripts, it appears that both defendants testified that they had no understanding as to who would be paying any judgment in the event one is entered against them in the *Allen* case, either the City or the State. This appears consistent with the positions taken so far: If the State of Missouri prevails in the State Court Action, then the City would presumably pay; if the City prevails in the State Court Action, then the State's LEF would pay.

Nevertheless, to ensure there is no potential for any conflict of interest, neither Mr. Isaacson nor I are communicating with each other about either of the pending cases.

Please let me know if you have a questions about any of the foregoing.

If, in spite of the above, you decide to approach the Court about any of these matters, please let me know when and where so that we can appear as well.

Thank you.

Bud Luepke
Assistant Attorney General
Missouri Attorney General's Office
P.O. Box 861
St. Louis, MO 63188

Office: 314-340-7652

From: Farhang Heydari [mailto:farhang@nsbcivilrights.com]
Sent: Friday, April 22, 2016 2:06 PM
To: Luepke, Bud
Cc: Nick Brustein; Weiss, Charles; Emma Freudenberger; Gado, Ameer; Vishal Agraharkar; Colin Lubelczyk
Subject: Indemnification in Allen v. City of St. Louis, 14-cv-1398

Bud,

Following up on your conversations with Nick, I am writing to confirm the State's position regarding

indemnification of the individual defendant officers that the State is currently representing in

Allen v. City of St. Louis, 14-cv-1398 (E.D. Mo.).

Our understanding is that despite Defendant James's and Defendant Burford's testimony at their recent depositions, it is the State's position that under no circumstances will the State indemnify any of these individual defendants against any future judgment in this matter. Th

at

is the State's position regardless of whether or not the City agrees to indemnify these defendants.

If I have misstated the State's position in any way, please let us know immediately

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as we may be approaching the Court as early as next week.

Thanks very much,
Farhang

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Farhang Heydari
Neufeld Scheck & Brustein, LLP
99 Hudson St., 8th Floor | NYC 10013
T: (212) 965-9081 | F: (212) 965-9084
www.nsbcivilrights.com

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